

1 GREGG ZUCKER, ESQ.  
2 Cal. Bar No. 166692 (*pro hac vice*)  
3 Email: gregg@foundationlaw.com  
4 **FOUNDATION LAW GROUP LLP**  
5 2049 Century Park E., Suite 2460  
6 Los Angeles, CA 90067  
7 Telephone: (310) 979-7561  
8 Facsimile: (310) 979-8701  
9 *Attorneys for Defendant*  
10 *Suzuki Enterprises, Inc. Profit Sharing Plan*

11 ROBERT A. RABBAT, ESQ.  
12 Nevada Bar No. 12633  
13 Email: rrabbat@enensteinlaw.com  
14 **ENENSTEIN RIBAKOFF LAVIÑA & PHAM**  
15 3960 Howard Hughes Parkway, Suite 280  
16 Las Vegas, NV 89169  
17 Telephone: (702) 468-0808  
18 Facsimile: (702) 920-8228  
19 *Attorneys for Defendant*  
20 *Suzuki Enterprises, Inc. Profit Sharing Plan*

21 **UNITED STATES DISTRICT COURT**

22 **DISTRICT OF NEVADA**

23 SHIGE TAKIGUCHI, et. al,  
24 Individually and On Behalf of All  
25 Others Similarity Situated,

26 Plaintiffs,

27 v.

28 MRI INTERNATIONAL, INC.,  
EDWIN J. FUJINAGA, JUNZO  
SUZUKI, PAUL MUSASHI  
SUZUKI, LVT, INC., dba STERLING  
ESCROW, and DOES 1-500,

Defendants.

Case No.: 2:13-cv-01183-HDM-NJK  
ORDER GRANTING  
**STIPULATION AND ORDER RE  
PAYMENT OF ATTORNEYS  
FEES AND COSTS INCURRED  
BY SUZUKI ENTERPRISES, INC.  
PROFIT SHARING PLAN  
DURING MARCH/APRIL 2017**

1 WHEREAS Defendant Suzuki Enterprises, Inc. Profit Sharing Plan (the  
2 “Plan”) and Plaintiffs are collectively referred to herein as the “Parties”;

3 WHEREAS on December 2, 2016, the Court issued its order [550] (“Order  
4 re Fees”) approving the Stipulation re Payment of Attorneys’ Fees [549]  
5 (“Stipulation re Fees”), providing a procedure for payment of legal fees and costs  
6 from Plan funds that are presently subject to the preliminary injunction [183]  
7 issued by this Court;

8 WHEREAS the Plan incurred legal fees and costs in March and the first  
9 week of April 2017, in the amount of \$11,578.50, for coordinating global  
10 settlement discussions, negotiating with Plaintiffs, communications with multiple  
11 counsel and Plan fiduciaries regarding settlement issues, and appearing at a  
12 mediation;

13 WHEREAS such fees and costs are payable as follows:

- 14 • \$11,305.00 payable to Foundation Law Group, LLP, lead counsel for  
15 the Plan, focusing on settlement discussions with Plaintiffs and  
16 coordination of global settlement discussions; and
- 17 • \$273.50 payable to Enenstein Ribakoff LaViña & Pham, local counsel  
18 for the Plan, focusing on document preparation;

19 WHEREAS the Plan’s invoices are attached hereto as Exhibit “A”;

20 WHEREAS the Parties have communicated a mutual desire to avoid the  
21 necessity of a formal motion for attorneys’ fees through this Stipulation;

22 NOW, therefore, the Parties stipulate that:

- 23 1. Payment of the Plan’s legal fees and expenses for the month of March  
24 and first week of April 2017, in the total amount of \$11,578.50, shall be  
25 made from the funds held by LPL Financial for the benefit of the Plan  
26 with the specific breakdown of this total amount below;
- 27 2. \$11,305.00 of the funds held by LPL Financial for the benefit of the Plan  
28 shall be unfrozen and released from the preliminary injunction [183] and  
paid to Foundation Law Group LLP;

- 1 3. \$273.50. of the funds held by LPL Financial for the benefit of the Plan  
2 shall be unfrozen and released from the preliminary injunction [183] and  
3 paid to Enenstein Ribakoff LaViña & Pham;
- 4 4. The remaining funds held by LPL Financial for the benefit of the Plan  
5 shall remain frozen and subject to the preliminary injunction [183]  
6 pending a further application for payment of attorneys' fees and  
7 expenses; and
- 8 5. Payment of attorneys' fees and expenses for the month of March and first  
9 week of April 2017 (per items 2 and 3 above) shall be made from cash on  
10 hand that is held in the name of the Plan.

11 DATED this 7th day of April 2017

DATED this 7th day of April 2017

12 **MANNING & KASS ELLROD**  
13 **RAMIREZ, TRESTER LLP**

**ENENSTEIN RIBAKOFF LAVIÑA**  
**& PHAM**

14 By: /s/ James E. Gibbons  
15 *Attorneys for Plaintiffs*

By: /s/ Robert A. Rabbat  
16 *Attorneys for Suzuki Enterprises, Inc.,*  
17 *Profit Sharing Plan*

18 DATED this 7th day of April 2017

DATED this 7th day of April 2017

19 **LAW OFFICES OF ROBERT W.**  
20 **COHEN, A.P.C.**

**FOUNDATION LAW GROUP LLP**

21 By: : /s/ Robert W. Cohen  
22 *Attorneys for Plaintiffs*

By: /s/ Gregg D. Zucker  
23 *Attorneys for Suzuki Enterprises,*  
24 *Inc., Profit Sharing Plan*

25 **ORDER**

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

27 DATED this 13th day of April, 2017.

28   
UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

Pursuant to Fed.R.Civ.P. 5(b), I hereby certify that on the 7th day of April, 2017, I served a true and correct copy of the foregoing **STIPULATION AND ORDER RE PAYMENT OF ATTORNEYS FEES AND COSTS INCURRED BY SUZUKI ENTERPRISES, INC., PROFIT SHARING PLAN DURING MARCH/APRIL 2017** via mandatory electronic service via Pacer. Parties may access this filing through the Court's CM/ECF.

/s/ Michelle Choto

Michelle Choto

## **Exhibit A – the Plan’s invoices**

**INVOICE**

Invoice # 1384  
Date: 04/06/2017

Suzuki Enterprises, Inc. Profit Sharing Plan

**1043-00001-Suzuki Enterprises, Inc. Profit Sharing Plan/Suzuki Enterprises, Inc. Profit Sharing Plan v. Shige Takiguchi et al.**

**Suzuki Enterprises, Inc. Profit Sharing Plan v. Shige Takiguchi et al.**

Type	Date	Attorney	Description	Quantity	Rate	Total
Service	03/01/2017	Gregg Zucker	Telephone conference with Plaintiffs' counsel regarding settlement status and global settlement; review correspondence from Plaintiffs' counsel regarding same; correspondence to Mr. Morgan regarding same; strategize regarding same and mediation schedule.	0.40	\$595.00	\$238.00
Service	03/02/2017	Gregg Zucker	Telephone conferences with Plaintiffs' counsel regarding global settlement, communications with mediators and settlement issues; strategize regarding same; review filings.	1.00	\$595.00	\$595.00
Service	03/03/2017	Gregg Zucker	Prepare and review correspondence regarding selection of mediator.	0.20	\$595.00	\$119.00
Service	03/06/2017	Gregg Zucker	Prepare and review numerous correspondence to/from client, plaintiffs' counsel and mediator regarding global settlement; review terms of mediation and execute agreement on same.	0.50	\$595.00	\$297.50
Service	03/07/2017	Gregg Zucker	Correspondence regarding mediation; telephone conference with Plaintiffs' counsel regarding same; strategize regarding same; correspondence to Plaintiffs' counsel regarding scheduling; strategize regarding same.	0.50	\$595.00	\$297.50
Service	03/08/2017	Gregg Zucker	Prepare and review correspondence regarding mediation; prepare stipulations for response to complaint and attys fees; correspondence to/from Plaintiffs' counsel regarding same; telephone conference with Plaintiffs' counsel regarding mediation; strategize regarding same;	3.10	\$595.00	\$1,844.50

			review correspondence regarding service of Catherine Suzuki; correspondence to client regarding same; review recent filings.			
Service	03/09/2017	Gregg Zucker	Review order approving stipulation; correspondence to and telephone conference with LPL regarding attorneys' fees distributions; numerous correspondence regarding mediation.	0.80	\$595.00	\$476.00
Service	03/13/2017	Gregg Zucker	Correspondence to mediator in lieu of mediation brief; telephone conference with mediator regarding same; telephone conference with Plaintiffs' counsel and Mr. Morgan regarding same; correspondence to/from Mr. Morgan and Plaintiffs' counsel regarding same; strategize regarding mediation.	1.10	\$595.00	\$654.50
Service	03/15/2017	Gregg Zucker	Telephone conference with Mr. Morgan and Plaintiffs' counsel regarding settlement issues; review Plaintiffs' mediation brief; telephone conference with local counsel regarding prospective trial schedule; strategize regarding same; correspondence to/from ERISA counsel regarding settlement terms; strategize regarding same.	0.60	\$595.00	\$357.00
Service	03/16/2017	Gregg Zucker	Telephone conference with mediator regarding mediation briefs; telephone conference with Plaintiffs' counsel regarding same and settlement potential; strategize regarding same and mediation approach.	1.40	\$595.00	\$833.00
Service	03/19/2017	Gregg Zucker	Strategize regarding mediation; correspondence to counsel regarding availability.	0.20	\$595.00	\$119.00
Service	03/20/2017	Gregg Zucker	Prepare for and telephone conference with mediation regarding settlement issues; prepare for mediation; attend mediation; conference with Mr. Morgan and Plaintiffs' counsel post-mediation; strategize regarding same; correspondence to Mr. Morgan regarding same; review stipulation to extend date for pre-trial order; correspondence to Plaintiffs' counsel regarding same.	5.80	\$595.00	\$3,451.00
Service	03/21/2017	Gregg Zucker	Review correspondence regarding mediation; prepare correspondence regarding pre-trial order; strategize regarding settlement negotiations; telephone conference with Mr. Morgan	1.10	\$595.00	\$654.50

			regarding same; telephone conference with Plaintiffs' counsel regarding mediation issues.			
Service	03/22/2017	Gregg Zucker	Telephone conference with Mr. Morgan regarding settlement issues; strategize regarding same.	0.30	\$595.00	\$178.50
Service	03/28/2017	Gregg Zucker	Correspondence and telephone conference with Plaintiffs' counsel regarding settlement issues; review correspondence from Mr. Morgan regarding settlement; telephone conference with Mr. Morgan regarding same; review magistrate recusal; telephone conference with Plaintiffs' counsel regarding same; strategize regarding same.	0.70	\$595.00	\$416.50
Service	04/06/2017	Gregg Zucker	Correspondence to/from local counsel regarding settlement status; strategize regarding same; telephone conferences with and correspondence to Mr. Morgan regarding same.	1.30	\$595.00	\$773.50
					<b>Subtotal</b>	<b>\$11,305.00</b>
					<b>Total</b>	<b>\$11,305.00</b>

## Statement of Account

Outstanding Balance	New Charges	Payments Received	<b>Total Amount Outstanding</b>
( \$0.00	+ \$11,305.00	) - ( \$0.00	<b>\$11,305.00</b>

## Detailed Statement of Account

### Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1384	04/06/2017	\$11,305.00	\$0.00	\$11,305.00
<b>Outstanding Balance</b>				<b>\$11,305.00</b>
<b>Total Amount Outstanding</b>				<b>\$11,305.00</b>



Payment is due upon receipt unless otherwise agreed in writing.

## Remittance Advice

### Checking Information

**Remit checks to:** Foundation Law Group LLP  
445 S. Figueroa Street, Suite 3100  
Los Angeles, CA 90071

### Wire Transfer Information

**Bank Name/Address:** Chase Bank  
749 Foothill Blvd.  
La Canada, CA 91011

**Bank ABA/Routing #:** 322271627

**Name/Account #:** Foundation Law Group LLP  
Account Number- 525388950

**SWIFT:** CHASUS33

Please include the invoice number 1384 as an additional reference so we may accurately identify and apply your payment. Please provide adequate payment to cover the wire fees assessed by your financial institution.

You may also pay by Chase QuickPay at [billing@foundationlaw.com](mailto:billing@foundationlaw.com)

**Enenstein Ribakoff LaViña & Pham**

3960 Howard Hughes Pkwy, Suite 280

Las Vegas, NV 89169

Telephone: (702) 468-0808

Fax: (702) 920-8228

Suzuki Enterprises, Inc. Profit Sharing Plan

April 04, 2017  
Invoice No. 21705

Client: Suzuki Enterprises, Inc. Profit Sharing Plan

Matter ID: NV 400012.001 Suzuki adv. Takiguchi

**For Services Rendered Through 3/31/2017****Fees**

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
3/9/2017	RAR	DRAFT STIPULATION RE PAYMENT OF FEES	0.30	\$148.50
3/9/2017	RAR	TELEPHONE CALL WITH CO-COUNSEL RE FEE APPLICATION AND MEDIATION	0.20	\$99.00
<b>Billable Hours / Fees:</b>			<b>0.50</b>	<b>\$247.50</b>

**Timekeeper Summary**

Timekeeper RAR worked 0.50 hours at \$495.00 per hour, total \$247.50.

**Cost Detail**

<u>Date</u>	<u>Description</u>	<u>Amount</u>	<u>Check No.</u>
12/31/2016	DOCUMENT RETRIEVAL - PACER INV. # 4138789-Q42016 (MASTERCARD - RAR)	\$3.80	
<b>Total Costs:</b>		<b>\$3.80</b>	

**Payment Detail**

<u>Date</u>	<u>Description</u>	<u>Amount</u>
03/15/2017	Check Number 104784800 (Bank of America)	(\$1,838.28)
03/17/2017	Check Number 104786603 (Bank of America)	(\$2,952.00)
<b>Total Payments Received:</b>		<b>(\$4,790.28)</b>

---

<b>Prior Balance:</b>	\$4,812.30		
<b>Payments Received:</b>	(\$3,521.53)	<b>Last Payment:</b>	3/17/2017
<b>Current Fees:</b>	\$247.50		
<b>Advanced Costs:</b>	\$3.80		
<b>Administrative Cost/Late Charges:</b>	\$0.18		
<b>Amount to be Applied from Trust:</b>	(\$1,268.75)		
<b>TOTAL AMOUNT DUE:</b>	<u>\$273.50</u>		

Thank You For Your Business